

114TH CONGRESS
1ST SESSION

S. 756

To require a report on accountability for war crimes and crimes against humanity in Syria.

IN THE SENATE OF THE UNITED STATES

MARCH 17, 2015

Mr. CARDIN (for himself, Mr. RUBIO, and Mr. MENENDEZ) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To require a report on accountability for war crimes and crimes against humanity in Syria.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Syrian War Crimes
5 Accountability Act of 2015”.

6 SEC. 2. FINDINGS.

7 Congress makes the following findings:

8 (1) March 2015 marks the fourth year of the
9 ongoing conflict in Syria.

(4) On February 19, 2015, United Nations Secretary-General Ban Ki-moon reported to the Security Council that “parties to the conflict are failing to live up to their international legal obligations to protect civilians” and called for action to ensure the unfettered delivery of humanitarian relief, an end to the use of denial of services as a weapon of war, and a response to “the relentless and indiscriminate attacks on civilians, including through the use of barrel bombs”.

1 gas and artillery to target East Ghouta and
2 Moadamiya al-Sham, suburbs of Damascus, which
3 killed over 1,000 people”.

4 (6) The 2014 United States Commission on
5 International Religious Freedom Annual Report
6 states that in Syria “terrorist organizations espouse
7 violence and the creation of an Islamic state with no
8 space for religious diversity and have carried out re-
9 ligiously-motivated attacks and massacres against
10 Alawite, Shi'a and Christian civilians.”

11 (7) On February 4, 2015, the Executive Coun-
12 cil of the Organization for the Prohibition of Chem-
13 ical Weapons (OPCW) adopted a decision expressing
14 serious concern about the findings “with a high de-
15 gree of confidence” of an OPCW fact-finding mis-
16 sion that chlorine had been used as a weapon in
17 some areas of Syria in 2014 and calling for those in-
18 dividuals responsible to be held accountable.

19 (8) The United Nations Independent Inter-
20 national Commission of Inquiry on the Syrian Arab
21 Republic reports that pro-government forces have
22 conducted attacks on Syrian civilian populations,
23 and have utilized murder, torture, assault, and rape
24 as war tactics. Anti-government groups have also
25 committed murder and torture, engaged in hostage-

1 taking, attacked protected objects, and shelled civil-
2 ian neighborhoods. The Commission’s February
3 2015 report states that Syria’s civil war “has been
4 characterized by massive, recurrent violations of
5 human rights and international humanitarian law
6 that demand urgent international and national ac-
7 tion”.

8 (9) On March 12, 2015, Physicians for Human
9 Rights (PHR) reported that since 2011, at least 610
10 medical personnel have been killed and there have
11 been 233 deliberate or indiscriminate attacks on 183
12 medical facilities in Syria. The Physicians for
13 Human Rights report cited evidence that the Gov-
14 ernment of Syria committed 88 percent of the re-
15 corded hospital attacks and 97 percent of medical
16 personnel killings, and “has targeted health care and
17 increasingly used it as a weapon of war to destroy
18 its opponents by preventing care, killing thousands
19 of civilians along the way”.

20 (10) Internationally accepted rules of war re-
21 quire actors to distinguish between civilians and
22 combatants and that all parties are obligated to re-
23 spect and protect the wounded and sick and to take
24 care all reasonable measures to provide safe and

1 prompt access for the wounded and sick to medical
2 care.

3 **SEC. 3. SENSE OF CONGRESS.**

4 Congress—

5 (1) strongly condemns the ongoing violence, use
6 of chemical weapons, targeting of civilian popu-
7 lations with barrel, incendiary, and cluster bombs
8 and SCUD missiles, and systematic gross human
9 rights violations carried out by Government of Syria
10 and pro-government forces under the direction of
11 President Bashar al-Assad, as well as all abuses
12 committed by violent extremist groups and other
13 combatants involved in the civil war in Syria;

14 (2) expresses its support for the people of Syria
15 seeking democratic change;

16 (3) urges all parties to the conflict to imme-
17 diately halt indiscriminate attacks on civilians, allow
18 for the delivery of humanitarian and medical assist-
19 ance, and end sieges of civilian populations;

20 (4) calls on the President to support efforts in
21 Syria and on the part of the international commu-
22 nity to ensure accountability for war crimes and
23 crimes against humanity committed during the con-
24 flict; and

1 (5) supports the requirement in United Nations
2 Security Council Resolutions 2191, 2165 and 2139
3 for regular reporting by the Secretary-General on
4 implementation on the resolutions, including of para-
5 graph 2 of resolution 2139, which demands that all
6 parties desist from violations of international hu-
7 manitarian law and violations and abuses of human
8 rights and calls on the Security Council to establish
9 a committee to investigate past and ongoing gross
10 violations of human rights and war crimes in the
11 Syrian conflict.

12 **SEC. 4. REPORT ON ACCOUNTABILITY FOR WAR CRIMES**
13 **AND CRIMES AGAINST HUMANITY IN SYRIA.**

14 (a) **IN GENERAL.**—Not later than 90 days after the
15 date of the enactment of this Act, and again not later than
16 180 days after the cessation of violence in Syria, the Sec-
17 retary of State shall submit to the appropriate congres-
18 sional committees a report on war crimes and crimes
19 against humanity in Syria.

20 (b) **ELEMENTS.**—The report required under sub-
21 section (a) shall include the following elements:

22 (1) A description of violations of internationally
23 recognized human rights, war crimes, and crimes
24 against humanity perpetrated during the civil war in
25 Syria, including—

(A) an account of incidents that may constitute war crimes and crimes against humanity committed by the regime of President Bashar al-Assad and all forces fighting on its behalf;

10 (C) a description of any incidents that may
11 violate the principle of medical neutrality and,
12 when possible, an identification of the individual
13 or individuals who engaged in or organized such
14 violations; and

15 (D) where possible, a description of the
16 conventional and unconventional weapons used
17 for such crimes and, the origins of the weapons.

1 violent extremist groups, and other combatants in-
2 volved in the conflict, including—

3 (A) a description of initiatives that the
4 United States Government has undertaken to
5 train investigators in Syria on how to docu-
6 ment, investigate, and develop findings of war
7 crimes, including the number of United States
8 Government or contract personnel currently
9 designated to work full-time on these issues and
10 an identification of the authorities and appro-
11 priations being used to support training efforts;

12 (B) a description and assessment of Syrian
13 and international efforts to ensure account-
14 ability for crimes committed during the Syrian
15 conflict, including efforts to promote a transi-
16 tional justice process that would include crimi-
17 nal accountability and the establishment of an
18 ad hoc tribunal to prosecute the perpetrators of
19 war crimes committed during the civil war in
20 Syria; and

21 (C) an assessment of the influence of ac-
22 countability measures on efforts to reach a ne-
23 gotiated settlement to the conflict during the
24 reporting period.

1 (c) FORM.—The report required under subsection (a)
2 may be in unclassified or classified form, but shall include
3 a publicly available annex.

4 (d) APPROPRIATE CONGRESSIONAL COMMITTEE DE-
5 FINED.—In this section, the term “appropriate congres-
6 sional committees” means—

- 7 (1) the Committee on Foreign Relations of the
8 Senate; and
9 (2) the Committee on Foreign Affairs of the
10 House of Representatives.

